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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert W. Holland HAMILTON & TERRILE, LLP PO Box 203518 Austin, TX 78720				
EXAMINER				
ZENATI, AMAL S				
ART UNIT		PAPER NUMBER		
2614				
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10/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,775

Applicant(s)

PAGEL ET AL.

Examiner

AMAL ZENATI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. **Claims 1 - 7**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Svoronos et al (US Patent No.: 5,802,161; hereinafter Svoronos)** in view of **Grossman et al (Patent No.: US 5,889,799; hereinafter Grossman)**.

Consider **claim 1**, **Svoronos** clearly shows and discloses a system for coordinating the updating of contact records associated with one or more contact devices, the contact devices performing a campaign of outbound contact attempts with the contact records, the system comprising: a contact record database operable to communicate contact records with the one or more contact devices during the campaign, each contact record associating one or more contact individuals, one or more contact numbers and one or more contact results (col. 7, lines 30-40); a contact update engine (the first processor) interfaced with the contact record database and operable to identify one or more contact records based on one or more update factors (user input) (col. 7, lines 54-61; col. 8, lines 23-26); However, **Svoronos** does not specifically disclose identify one or more contact records for update of the associated contact

numbers; an update resource interface operable to obtain updated contact numbers for the identified contact records from one or more update resources; and an update validation engine operable to validate updated contact records and communicate the validated contact records to the contact record database for appropriate action by the contact devices during the campaign.

In the same field of endeavor, **Grossman** clearly discloses a system to identify one or more contact records for update of the associated contact numbers (col. 6, lines 21-28; and col. 25, lines 4-9); an update resource interface operable to obtain updated contact numbers for the identified contact records (flagged for updating or dialed by the dialer) from one or more update resources (col. 4, lines 35-50; col. 10, lines 10-20; and col. 24, lines 57-67); and an update validation engine operable to validate updated contact records and communicate the validated contact records to the contact record database for appropriate action by the contact devices during the campaign (for use in updating account records when necessary, such as when a telephone number has been disconnected or changed) (col. 6, lines 21-28; col. 10, lines 13-20; and col. 125, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to obtain and validate updated contact numbers for the identified contact records from one or more update resources as taught by Grossman in Svoronos, in order to update the contact histories and call vectors after each day's campaigns have been completed to ensure that the computations for the next day's campaigns and the performance forecasts are made using the most current data available (Grossman: col. 24, lines 63-67).

Consider **claim 2, Svoronos and Grossman** clearly show the system, wherein the account update engine comprises a rules-based engine and the update factors comprise one or more rules, the rules-based engine operable to identify one or more contact records for updating if the contact results associated with a contact record meet one or more of the rules (Grossman: col. 26, lines 30-40)

Consider **claim 3, Svoronos and Grossman** clearly show the system, wherein a rule comprises a contact result of an inoperable (wrong) number (Svoronos: col. 12, lines 13-14).

Consider **claim 4, Svoronos and Grossman** clearly show the system, wherein the contact results comprise the number of previous updates associated with a contact record and a rule comprises updating only accounts with less than a predetermined number of previous updates (Grossman: col. 25, lines 1-10).

Consider **claim 5, Svoronos and Grossman** clearly show the system, wherein the update resource interface is further operable to select one of plural update resources based on the contact results and one or more update factors (Svoronos: col. 10, lines 41-55; and Grossman: col. 26, line 30-40).

Consider **claim 6, Svoronos and Grossman** clearly show the system, wherein the account update engine comprises a predictive model and the update factors comprise one or more predictive parameters, the model operable to identify a contact record for updating if application of the contact results associated with the contact record predict a predetermined result (Svoronos: col. 11, lines 13-20; and Grossman: col. 6, lines 21-28).

Consider **claim 7, Svoronos and Grossman** clearly show the system, wherein the model comprises a logistic regression model of the probability to cure with an updated contact record (Svoronos: col. 4, line 20).

3. **Claims 8 - 14**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Svoronos et al (US Patent No.: 5,802,161; hereinafter Svoronos)** in view of **Grossman et al (Patent No.: US 5,889,799; hereinafter Grossman)**.

Consider **claim 8, Svoronos** clearly shows and discloses a method for coordinating the updating of contact records, the method comprising: performing contact attempts with one or more contact devices using plural contact records, each contact record having contact information (col. 4, lines 64-65);

identifying contact records having contact attempts with a result of no contact (col. 4, lines 11-14); selecting based on one or more update factors one or more of the identified contact records (col. 7, lines 54-61); However, **Svoronos** does not specifically disclose identify one or more contact records for updating of associated contact information; obtaining updated contact information for the selected contact records from an update resource; an re-attempting contact by a contact device with the updated contact information.

In the same field of endeavor, **Grossman** clearly discloses a system to identify one or more contact records for update of the associated contact information (col. 6, lines 21-28; and col. 25, lines 4-9); obtaining updated contact information for the selected contact records from an update resource (flagged for updating or dialed by the dialer) (col. 4, lines 35-50; and col. 10, lines 10- 20); an re-attempting contact by a contact device with the updated contact information (col. 6, lines 21-28; and col. 24, lines 57-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to obtain updated contact information for identifying contact records from one or more update resources and re-attempting contact with the updated contact information as taught by Grossman in Svoronos, in order to update the contact histories and call vectors after each day's campaigns have been completed to ensure that the computations for the next day's campaigns and the performance forecasts are made using the most current data available (Grossman: col. 24, lines 63-67).

Consider **claim 9, Svoronos and Grossman** clearly show the method, wherein selecting based on one or more update factors further comprises selecting contact records having contact information that meets one or more rules (Svoronos: col. 12, lines 1-7).

Consider **claim 10, Svoronos and Grossman** clearly show the method, wherein a rule comprises a delinquent balance of greater than a predetermined amount (Svoronos: col. 13, claim 2-a).

Consider **claim 11, Svoronos and Grossman** clearly show the method, wherein a rule comprises less than a predetermined number of previous contact information updates (Grossman: col. 6, lines 21-28).

Consider **claim 12, Svoronos and Grossman** clearly show the method and the system, wherein selecting based on one or more update factors further comprises: applying the contact information to a model to predict a result of an update; and selecting contact records having a predetermined predicted result (Svoronos: col. 4, lines 21-22; and Grossman: col. 6, lines 21-28)

Consider **claim 13, Svoronos and Grossman** clearly show the method, wherein the predetermined predicted result comprises likelihood of cure from updated contact information resulting in value greater than the cost of the contact information update (Svoronos: col. 2, lines 65-67; col. 3, lines 1-4).

Consider **claims 14, Svoronos and Grossman** clearly show the method, wherein the model comprises a logistic regression model predictive of cost of contact (Svoronos: col. 4, line 20).

4. **Claims 15 - 23**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Svoronos et al** (US Patent No.: **5,802,161**; hereinafter **Svoronos**) in view of **Grossman et al** (Patent No.: **US 5,889,799**; hereinafter **Grossman**).

Consider **claim 15, Svoronos** clearly shows and discloses a system for contacting individuals, the system comprising: plural dialers, each dialer operable to dial outbound telephone calls to individuals, each individual having one or more associated contact records with one or more numbers for a dialer to dial (col. 5, lines 19-21 and line 26); a contact record database interfaced with the dialers and operable to provide the dialers with contact records to dial, the contact record database further operable to receive results of contact attempts by the dialers to the numbers of the contact records(col. 5, lines 27-34); and a contact update engine interfaced with the contact record database and operable to select contact records

based on factors (col. 7, lines 54-61); However, **Svoronos** does not specifically disclose selecting contact records to update associated contact numbers; and an update resource interface operable to obtain updates for the selected contact records from one or more update resources, the update resource interface communicating the updates to the contact record database for use by the dialers.

In the same field of endeavor, **Grossman** clearly discloses a system to select contact records to update associated contact numbers (col. 6, lines 21-28; and col. 25, lines 4-9); obtaining updated contact information for the selected contact records from an update resource (flagged for updating or dialed by the dialer) (col. 4, lines 35-50; col. 10, lines 10- 20; and col. 24, lines 57-67); and an update resource interface operable to obtain updates for the selected contact records from one or more update resources, the update resource interface communicating the updates to the contact record database for use by the dialers (col. 6, lines 21-28; and col. 24, lines 57-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to obtain updated contact information for identifying contact records from one or more update resources and re-attempting contact with the updated contact information as taught by Grossman in Svoronos, in order to update the contact histories and call vectors after each day's campaigns have been completed to ensure that the computations for the next day's campaigns and the performance forecasts are made using the most current data available (Grossman: col. 24, lines 63-67).

Consider **claim 16, Svoronos and Grossman** clearly show the system, wherein the contact update engine comprises a rules-based engine having a rule of obtaining an update for contact results of wrong number (Grossman: col. 26, lines 30-40).

Consider **claim 17, Svoronos and Grossman** clearly show the system, wherein the contact update engine comprises a model of the likelihood of success from a contact attempt with an updated contact number (Grossman: col. 15, claim 60-67).

Consider **claim 18, Svoronos and Grossman** clearly show the system, wherein the contact record database provides updates to dialers on a real time basis (Grossman: col. 24, lines 63-67).

Consider **claim 19, Svoronos and Grossman** clearly show the system, wherein the update resource interface is further operable to select one of plural update resources to update a contact record based at least in part on update cost (Grossman: col. 4, lines 35-50).

Consider **claim 20, Svoronos and Grossman** clearly show the system, 15 wherein an update comprises a confidence rating of the relative accuracy of the update (Grossman: col. 15, lines 58-67).

Consider **claim 21, Svoronos and Grossman** clearly show the system, wherein the contact update engine is further operable to perform plural updates of selected contact records (Grossman: col. 10, claim 10-19).

Consider **claims 22, Svoronos and Grossman** clearly show the system, wherein the contact update engine is further operable to cumulate updated contact information for use as update factors (Svoronos: col. 5, lines 8-9; Grossman: col. 3, lines 1-10).

Consider **claim 23, Svoronos and Grossman** clearly show the system, wherein the contact update engine is further operable to incorporate updated information in a subsequent update request (Grossman: col. 10, lines 10-20).

Response to Arguments

Applicants' arguments, with regards to Examiner's rejection under 35 U.S.C 102 (b), filed 16 September 2008 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 22, 2008